

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

In Re:

ADMINISTRATIVE ORDER 02-3

REGISTRY FUND FEES

_____ /

In conjunction with amendments to the Local Rules of this Court effective December 1, 2002, this order replaces the rescinded Administrative Order 94-3 “Registry Fund Fees” and applies to all registry deposits in this court. Local Rule 7067-1(B)(2) provides that the fees (as authorized by the Judicial Conference of the United States and as established by the Administrative Office of the United States Courts) to be assessed against deposits made to the registry account shall be set forth by Administrative Order of the Court. Accordingly, it is ordered that:

The Clerk of the Court shall assess and collect the fee for the handling of registry funds deposited into interest bearing accounts or instruments in the name and to the credit of the United States Bankruptcy Court during the pendency of a case or proceeding pursuant to 28 U.S.C. § 2041, Bankruptcy Rule 7067 and the Local Rules of this court as follows:

1. Each account in an amount less than \$100,000,000 and remaining on deposit for five years or less shall be assessed a fee equal to ten percent of the total income earned during the period it was deposited. If the deposit remains in the account longer than five years, the account will be assessed, at the time the funds are paid out or transferred as unclaimed funds to the U.S. Treasury, a fee equal to the percentage fee set forth in the schedule issued by the Administrative Office of the U.S. Courts for each applicable period of time the funds remained on deposit in the registry account.

2. Each account in an amount which exceeds \$100,000,000 will be assessed a fee equal to the percentage fee set forth in the schedule issued by the Administrative Office of the United States Courts for the applicable amount and each period of time the funds remained on deposit in the registry account.

3. The fee shall be deducted by the Clerk from the account balance at the time the funds are distributed or, if applicable, when transferred as unclaimed funds to the U.S. Treasury and deposited into a separate court "Registry Fee" account.

4. In cases where the United States is a party to the action underlying the registry investment, the funds initially withheld in payment of the fee may be restored to the United States upon application filed with the court by the United States Attorney or other government counsel.

5. Each order for deposit and investment of registry funds shall provide for the assessment of the registry fee in accordance with this administrative order and the Local Rules of this Court and as authorized by the Judicial Conference of the United States and the applicable fee schedule issued by the Director of the Administrative Office of the United States Courts. Absence of language to this effect in an order shall not preclude the Clerk of Court from collecting the registry fee without further notice to the parties involved.

6. The Clerk of Court shall establish procedures to be followed by the financial deputy in calculating and recording the amount of fees to be deducted from each account.

7. This Order shall be effective December 1, 2002 and shall apply as of that date to all pending and future cases.

ORDERED in the Southern District of Florida on October 7, 2002.

/s _____
Robert A. Mark
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges
Clerk of Court